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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHAW CONSER,

No. C 11-05554 SBA (PR)

Plaintiff,

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

V.

CALIFORNIA DEPARTMENT OF
CORRECTIONS,

Defendant.

1

Plaintiff filed the present pro se complaint under 42 U.S.C. § 1983 while incarcerated at the Martinez Detention Facility (MDF). On January 26, 2012, mail directed by the Court to Plaintiff at MDF was returned to the Clerk of the Court with the following notations: "MOVED, NOT FORWARDED" and "RETURN TO SENDER, Not in custody." The Court interprets these notations as indicating that Plaintiff is no longer in custody at MDF and that MDF staff personnel did not forward him the mail from the Court. The mail was therefore undeliverable. To date, Plaintiff has not updated his address with the Court or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11 a party proceeding pro se whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. See L.R. 3-11(a). The court may, without prejudice, dismiss a complaint when: (1) mail directed to the pro se party by the court has been returned to the court as not deliverable, and (2) the court fails to receive within sixty days of this return a written communication from the pro se party indicating a current address. See L.R. 3-11(b).

1 More than sixty days have passed since the mail directed to Plaintiff by the Court was
2 returned as undeliverable. The Court has not received a notice from Plaintiff of a new address.
3 Accordingly, the complaint is DISMISSED without prejudice pursuant to Rule 3-11 of the Northern
4 District Local Rules. The Court has rendered its final decision on this matter; therefore, this Order
5 TERMINATES Plaintiff's case.

6 IT IS SO ORDERED.

7 DATED: 3/28/12


8 SAUNDRA BROWN ARMSTRONG
United States District Judge

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6 UNITED STATES DISTRICT COURT
7 FOR THE
8 NORTHERN DISTRICT OF CALIFORNIA
9

10 SHAW CONSER,
11 Plaintiff,
12 v.
13 CA DEPARTMENT OF CORRECTIONS et al,
14 Defendant.
15 _____ /

Case Number: CV11-05554 SBA

CERTIFICATE OF SERVICE

16 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
17 Court, Northern District of California.

18 That on March 29, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said
19 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
20 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
21 located in the Clerk's office.

22 Shaw Conser CC11DM385
23 Martinez Detention Facility (M.D.F.)
24 901 Court Street
25 Martinez, CA 94553

26 Dated: March 29, 2012

27 Richard W. Wiking, Clerk
28 By: Lisa Clark, Deputy Clerk